

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

THOMAS BROWDY :  
 :  
 v. : PRISONER  
 : Case No. 3:03CV1981 (DFM)  
 :  
 THERESA C. LANTZ, et al. :

RULING AND ORDER

The plaintiff has filed motions seeking copies of various documents filed in this case and an extension of time to respond to defendants' motion for summary judgment. He also asks the court to strike defendants' motion for summary judgment.

I. Motion for Copies [doc. #84]

The plaintiff asks the court for free copies of nineteen documents.<sup>1</sup> Attached to his motion is a copy of the plaintiff's inmate account statement indicated a spendable balance of \$.87.

Although the plaintiff was permitted to file his complaint in forma pauperis pursuant to 28 U.S.C. § 1915, this status only permits him to file the action without prepayment of the filing fee. The plaintiff is not automatically entitled to copies or other materials. See Guinn v. Hoecker, 43 F.3d 1483 (10th Cir.

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<sup>1</sup>The plaintiff as requested copies of documents ##23, 44, 51, 52, 53, 56, 58, 60, 61, 62, 64, 65, 66, 68, 69, 70, 71, 72 and 73.

1994) (28 U.S.C. § 1915 does not include right to free copy of any document in record; court may constitutionally require indigent plaintiff to demonstrate need for free copy).

The plaintiff has provided evidence that he lacks sufficient funds to pay for the copies he seeks. In his motion, he states that he needs these copies "to prepare forthcoming motions and adequately prosecute this case." This statement is insufficient to demonstrate his need for all of the copies. The plaintiff already has filed a motion for summary judgment and is preparing his response to defendants' motion for summary judgment. He does not specify how these documents are required to respond to defendants' motion.

Three of the requested documents, the plaintiff's supplemental complaint and two rulings, may be relevant. The remaining requested documents consist primarily of motions for sanctions filed by the plaintiff, defendants' responses to his motions for sanctions, defendants' motions for extension of time and the plaintiff's objections to those responses and motions. The court cannot discern how these documents are relevant to the plaintiff's opposition to defendants' motion for summary judgment. Accordingly, the plaintiff's motion is granted as to his request for documents ##23, 53 and 60 and denied without prejudice as to all other requested documents. The plaintiff may refile his request if he can demonstrate the relevance of the

requested documents.

II. Motion to Strike [doc. #85]

The plaintiff moves to strike defendants' motion for summary judgment on the ground that the defendants have not provided proper factual support as required by Rule 56(c), Fed. R. Civ. P.

Rule 12(f), Fed. R. Civ. P., provides that a court may strike from "any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter." Rule 7(a), Fed. R. Civ. P., defines a pleading as a complaint, answer, reply to a counterclaim, answer to a cross-claim, third-party complaint or third party answer. Because a motion for summary judgment is not a pleading, the plaintiff's motion is denied. The plaintiff may include these arguments in his opposition to the motion for summary judgment.

III. Motion for Extension of Time [doc. #86]

The plaintiff seeks a sixty day extension of time from February 10, 2006, to file his opposition to defendants' motion for summary judgment. The plaintiff's motion is granted. He shall file his opposition on or before April 11, 2006.

IV. Conclusion

The plaintiff's motion for copies [**doc. #84**] is **GRANTED** as to documents ##23, 53 and 60 and **DENIED** without prejudice as to all other requested documents. The Clerk is directed to send the plaintiff copies of documents ##23, 53 and 60 with this ruling.

The plaintiff's motion to strike [**doc. #85**] is **DENIED** and his motion for extension of time [**doc. #86**] is **GRANTED**. The plaintiff is directed to file his opposition to defendants' motion for summary judgment on or before **April 11, 2006**.

**SO ORDERED** at Hartford, Connecticut, this 17<sup>th</sup> day of February, 2006.

/s/ Donna F. Martinez  
DONNA F. MARTINEZ  
UNITED STATES MAGISTRATE JUDGE